

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9813 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

MAGANBHAI KARSANBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner

MR VM PANCHOLI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 18/06/1999

ORAL JUDGEMENT

Heard Mrs KA Mehta, learned counsel for the petitioner and Mr VM Pancholi, learned AGP for the respondents.

2. The petitioner has challenged the order passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976 setting aside the order of the Competent Authority by which the Competent Authority had held that the petitioner did not hold any

excess vacant land. Before the order under Section 34 of the State Government could be acted upon by the Competent Authority, the petitioner filed the present petition and ad-interim relief was granted by this Court on 27.1.1993 staying the operation, execution and implementation of the said order of the State Government. Hence, notification under Section 10(3) of the Act was never issued and the possession of the said land has remained with the petitioner, which fact is not in dispute.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

June 18, 1999 (M.S. Shah, J.)

sundar/-